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7 Attorneys for Defendant  
8 ANDREW M. MILLER

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Case No. 3:15-cv-01461-SC

Plaintiff,

**STIPULATION AND [PROPOSED] ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

v.

ANDREW M. MILLER,

Defendant.

1 Pursuant to Civil Local Rules 6-2 and 7-12, plaintiff Securities and Exchange Commission  
 2 (the “Commission”) and defendant Andrew Miller (collectively, the “Parties”) respectfully submit  
 3 the following Stipulation and [Proposed] Order Continuing the Initial Case Management  
 4 Conference currently set for September 25, 2015, at 10:00 a.m.

5 **FACTUAL BACKGROUND TO THE PARTIES’ STIPULATION**

6 In support of this stipulation, the undersigned Parties provide the following facts, which  
 7 are verified in the supporting Declaration of Michael P. Kniffen:

8 1. On March 31, 2015, the Commission filed the Complaint in this action.  
 9 (ECF No. 1.)

10 2. On April 17, 2015, this action was reassigned to the Honorable Samuel Conti.  
 11 (ECF No. 5.)

12 3. On April 17, 2015, the Court set an Initial Case Management Conference for  
 13 June 26, 2015. (ECF No. 6.)

14 4. On May 29, 2015, the parties filed a Stipulation and [Proposed] Scheduling Order,  
 15 which requested an early settlement conference. (ECF No. 13.)

16 5. On June 4, 2015, the Court granted the parties’ request for a settlement conference  
 17 and rescheduled the Initial Case Management Conference for September 25, 2015. (ECF No. 15.)

18 6. On June 26, 2015, the Court referred this case to Magistrate Judge Laurel Beeler  
 19 for the settlement conference.

20 7. On June 29, 2015, Magistrate Judge Beeler issued an order setting a settlement  
 21 conference date for October 13, 2015. (ECF No. 16.)

22 8. On July 6, 2015, pursuant to Magistrate Judge Beeler’s order, the Commission  
 23 notified the courtroom deputy that it had a conflict on October 13, 2015. Magistrate Judge  
 24 Beeler’s courtroom deputy informed the Commission that Judge Beeler’s next available dates for  
 25 a settlement conference are during the week of November 2, 2015, and the parties agreed to file a  
 26 stipulation requesting November 4, 2015, for the settlement conference. (*See* ECF No. 17.)

27 9. On July 15, 2015, Magistrate Judge Beeler approved the parties’ stipulation and  
 28 issued an order setting a settlement conference date for November 4, 2015. (ECF No. 18.)

1           10. The Parties believe that the interests of judicial economy and efficiency will be  
2 well served by continuing the Initial Case Management Conference until after a settlement  
3 conference is held with Magistrate Judge Beeler.

## STIPULATION

5 In light of these facts, the undersigned parties jointly request the Court to enter the  
6 following stipulation as an Order of the Court:

The Initial Case Management Conference currently set for September 25, 2015, at 10:00 a.m., is hereby vacated, and the Initial Case Management Conference shall be set on December 4, 2015, or to such date and time thereafter as the Court may order.

1 IT IS SO STIPULATED.

2 Dated: September 15, 2015

MORRISON & FOERSTER LLP

3 By: /s/ Craig D. Martin  
4 Craig D. Martin

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17 *Attorneys for Defendant Andrew Miller*

18 Dated: September 15, 2015

19 SECURITIES AND EXCHANGE COMMISSION

20 By: /s/ Susan F. LaMarca  
21 Susan F. LaMarca

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29 *Attorneys for Plaintiff Securities and  
30 Exchange Commission*

## ECF ATTESTATION

I, Michael Kniffen, am the ECF User whose ID and Password are being used to file this Stipulation. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Craig Martin and Susan LaMarca have concurred in this filing.

Dated: September 15, 2015

MORRISON & FOERSTER LLP

By: /s/ Michael P. Kniffen  
Michael P. Kniffen

*Attorneys for Defendant Andrew Miller*

## **DECLARATION OF MICHAEL P. KNIFFEN**

I, MICHAEL P. KNIFFEN, hereby declare as follows:

3       1. I am an attorney licensed to practice law in the State of California and am admitted  
4 to practice before this Court. I am a member of the law firm of Morrison & Foerster LLP, and  
5 counsel of record for defendant Andrew Miller. I submit this Declaration in support of the  
6 parties' Stipulation and [Proposed] Order (hereafter, the "Stipulation"). If called as a witness, I  
7 would testify to the facts listed below.

8           2. Pursuant to Civil Local Rule 6-2, I attest that the facts set forth in the Stipulation,  
9 paragraphs 1 through 10 inclusive, are all true and accurate.

10       3. This is the parties' second request for a modification of time. The parties  
11 previously filed a stipulation to request a settlement conference and vacate the Initial Case  
12 Management Conference on May 29, 2015 (ECF No. 13), which was approved by the Court on  
13 June 4, 2015 (ECF No. 15). Other than the case management conference currently set for  
14 September 25, 2015, the proposed schedule will not impact any other deadlines or dates set by the  
15 Court.

16 I declare under penalty of perjury under the laws of the United States of America that the  
17 foregoing is true and correct and that this Declaration was executed in San Francisco, California,  
18 on this 15th day of September, 2015.

MORRISON & FOERSTER LLP

By: /s/ Michael P. Kniffen  
Michael P. Kniffen

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 09/15/2015

